

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olga Bentin	Team: Squad #4	CCRB Case #: 201905013	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sat, 06/08/2019 3:00 AM	Location of Incident: Atlantic Avenue and Schenck Avenue	Precinct: 75	18 Mo. SOL 12/08/2020	EO SOL 7/25/2021	
Date/Time CV Reported Tue, 06/11/2019 9:51 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 06/11/2019 9:51 AM		

Complainant/Victim	Type	Home Address
1. L [REDACTED] G [REDACTED]	Comp/Victim	[REDACTED]
2. S [REDACTED] R [REDACTED]	Victim	[REDACTED]
3. An individual	Victim	Unknown

Subject Officer(s)	Shield	TaxID	Command
1. POM Samuel Hui	28856	953978	075 PCT
2. POM M [REDACTED] B [REDACTED]	[REDACTED]	[REDACTED]	075 PCT
3. POM W [REDACTED] S [REDACTED]	[REDACTED]	[REDACTED]	075 PCT
4. POM J [REDACTED] S [REDACTED]	[REDACTED]	[REDACTED]	075 PCT
5. POM R [REDACTED] C [REDACTED]	[REDACTED]	[REDACTED]	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM A [REDACTED] W [REDACTED]	[REDACTED]	[REDACTED]	075 PCT
2. SSA R [REDACTED] M [REDACTED]	[REDACTED]	[REDACTED]	075 PCT
3. POM A [REDACTED] C [REDACTED]	[REDACTED]	[REDACTED]	075 PCT
4. POM N [REDACTED] D [REDACTED]	[REDACTED]	[REDACTED]	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Samuel Hui	Discourtesy: Police Officer Samuel Hui acted discourteously toward L [REDACTED] G [REDACTED]	A . Unsubstantiated
B . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui questioned L [REDACTED] G [REDACTED]	B . Exonerated
C . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui frisked L [REDACTED] G [REDACTED]	C . Exonerated
D . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui searched L [REDACTED] G [REDACTED]	D . Exonerated
E . POM W [REDACTED] S [REDACTED]	Abuse of Authority: Police Officer W [REDACTED] S [REDACTED] frisked S [REDACTED] R [REDACTED]	E . Exonerated
F . POM J [REDACTED] S [REDACTED]	Abuse of Authority: Police Officer J [REDACTED] S [REDACTED] searched an individual.	F . Exonerated
G . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui searched the vehicle in which L [REDACTED] G [REDACTED] was an occupant.	G . Exonerated
H . POM W [REDACTED] S [REDACTED]	Abuse of Authority: Police Officer W [REDACTED] S [REDACTED] searched the vehicle in which L [REDACTED] G [REDACTED] was an occupant.	H . Exonerated
I . POM M [REDACTED] B [REDACTED]	Abuse of Authority: Police Officer M [REDACTED] B [REDACTED] searched the vehicle in which L [REDACTED] G [REDACTED] was an occupant.	I . Exonerated

Officer(s)	Allegation	Investigator Recommendation
J . POM R [REDACTED] C [REDACTED]	Abuse of Authority: Police Officer R [REDACTED] C [REDACTED] searched the vehicle in which L [REDACTED] G [REDACTED] was an occupant.	J . Exonerated
K . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui refused to provide his name to L [REDACTED] G [REDACTED]	K . Unfounded
L . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui refused to provide his shield number to L [REDACTED] G [REDACTED]	L . Unfounded
M . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui failed to provide L [REDACTED] G [REDACTED] with a business card.	M . Exonerated
N . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui interfered with L [REDACTED] G [REDACTED] use of a recording device.	N . Unfounded
O . POM Samuel Hui	Other: Police Officer Samuel Hui had no business card as required by Patrol Guide procedure 204-09.	O . Other Misconduct

Case Summary

On June 11, 2019, L [REDACTED] G [REDACTED] contacted the CCRB by phone and filed this complaint on his own behalf and on behalf of his friend, S [REDACTED] R [REDACTED] and another unidentified male victim.

On June 8, 2019, at approximately 4:05 a.m., Mr. G [REDACTED] was pulled over in the vicinity of Atlantic Avenue and Schenck Avenue in Brooklyn by PO Samuel Hui, PO W [REDACTED] S [REDACTED] and PO M [REDACTED] B [REDACTED] all of the 75th Precinct, for failure to signal. During this incident, PO Hui allegedly dropped and then stepped on a PBA card after it was handed to him by Mr. G [REDACTED] (**Abuse of Authority: Allegation A, unsubstantiated**). The officers asked all the occupants to exit the vehicle, and they complied. PO Hui then questioned, frisked, and searched Mr. G [REDACTED] (**Abuse of Authority: Allegations B, C, and D, exonerated**). PO S [REDACTED] frisked Mr. R [REDACTED] (**Abuse of Authority: Allegation E, exonerated**), and PO J [REDACTED] S [REDACTED] of the 75th Precinct, searched the unidentified individual (**Abuse of Authority: Allegation F, exonerated**). PO Hui and PO S [REDACTED] then entered and searched the interior of Mr. G [REDACTED] vehicle (**Abuse of Authority: Allegations G and H, exonerated**). PO B [REDACTED] and PO R [REDACTED] C [REDACTED] also of the 75th Precinct, searched the trunk (**Abuse of Authority: Allegations I and J, exonerated**).

After Mr. G [REDACTED] returned to his vehicle, he asked PO Hui for his name and shield number. PO Hui replied, "L.N." (**Abuse of Authority: Allegations K and L, unfounded**). Mr. G [REDACTED] pulled out his cell phone to record PO Hui, and asked him for his business card. PO Hui did not provide his business card (**Abuse of Authority: Allegation M, exonerated**), and placed his hand over Mr. G [REDACTED] phone so he could not record (**Abuse of Authority: Allegation N, unfounded**). PO Hui had no business card as required (**Allegation O: Other Misconduct**).

This incident did not result in any arrests. PO Hui issued Mr. G [REDACTED] a summons for failure to signal (BR 02 and BR 20).

The investigation was provided with BWC recordings of this incident which are discussed in greater details below.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Samuel Hui acted discourteously toward L [REDACTED] G [REDACTED]

Allegation (B) Abuse of Authority: Police Officer Samuel Hui questioned L [REDACTED] G [REDACTED]

Allegation (C) Abuse of Authority: Police Officer Samuel Hui frisked L [REDACTED] G [REDACTED]

Allegation (D) Abuse of Authority: Police Officer Samuel Hui searched L [REDACTED] G [REDACTED]

Allegation (E) Abuse of Authority: Police Officer Police Officer W [REDACTED] S [REDACTED] frisked S [REDACTED] R [REDACTED]

Allegation (F) Abuse of Authority: Police Officer J [REDACTED] S [REDACTED] searched an unidentified individual.

Allegation (G) Abuse of Authority: Police Officer Samuel Hui searched the vehicle in which L [REDACTED] G [REDACTED] was an occupant.

Allegation (H) Abuse of Authority: Police Officer W [REDACTED] S [REDACTED] searched the vehicle in which L [REDACTED] G [REDACTED] was an occupant.

Allegation (I) Abuse of Authority: Police Officer M [REDACTED] B [REDACTED] searched the vehicle in which L [REDACTED] G [REDACTED] was an occupant.

Allegation (J) Abuse of Authority: Police Officer R [REDACTED] C [REDACTED] searched the vehicle in which L [REDACTED] G [REDACTED] was an occupant.

It is disputed if PO Hui dropped or stepped on Mr. G [REDACTED] PBA card. It is undisputed that PO Hui questioned, frisked, and searched Mr. G [REDACTED] that PO Hui and PO S [REDACTED] searched his vehicle, that PO S [REDACTED] frisked Mr. R [REDACTED] and that PO S [REDACTED] searched Mr. G [REDACTED] unidentified friend.

Mr. G [REDACTED] did not allege officers searched the trunk of his vehicle, but it was captured on PO B [REDACTED] and PO C [REDACTED] BWC recordings.

Mr. G [REDACTED] (BR 01) stated that on June 8, 2019, at approximately 3 a.m., he and two of his friends, one of whom he identified as S [REDACTED] R [REDACTED] left a hookah lounge located in the vicinity of Fulton Street and Barley Street in Brooklyn. Mr. G [REDACTED] could not provide the name or any contact information for the other friend. Mr. G [REDACTED] denied that he or his friends were smoking marijuana in the lounge. He acknowledged that his clothes had an odor of hookah smoke, but denied that it smelled anything like marijuana. Mr. G [REDACTED] also stated that some other individuals were smoking marijuana in the lounge, but that he was nowhere near them.

After leaving the lounge, Mr. G [REDACTED] decided to drive his friends home. Mr. G [REDACTED] was driving a white 2015, BMW I-325, with New York State license plate [REDACTED]. The vehicle is registered to N [REDACTED] B [REDACTED] Mr. G [REDACTED] girlfriend.

Mr. G [REDACTED] got in his vehicle and he saw a gray Ford stop several cars behind him. Mr. G [REDACTED] signaled that he was going to turn right onto Barley Street and proceeded to drive. He drove down towards Atlantic Avenue for several blocks. Mr. G [REDACTED] signaled left and before he could turn onto Schenck Avenue, the Ford turned on its police lights and pulled him over.

PO Hui approached the vehicle, and Mr. G [REDACTED] asked him why he was pulled over. PO Hui did not explain, and asked Mr. G [REDACTED] to provide his driver's license and registration. He then leaned closer as if he was smelling Mr. G [REDACTED] breath to see if he was drinking. It appeared to Mr. G [REDACTED] that PO Hui was looking for any reason to ask him to step out of the vehicle. Mr. G [REDACTED] retrieved his driver's license and a PBA card, and handed both to PO Hui. PO Hui took the driver's license, but dropped and then stepped on the PBA card. Mr. G [REDACTED] believed that PO Hui did this intentionally, because of the way he made eye contact with Mr. G [REDACTED] when he saw the card. Mr. G [REDACTED] asked if he could pick up the PBA card. PO Hui said that he would do so later. PO Hui then asked Mr. G [REDACTED] to exit the vehicle. Mr. G [REDACTED] complied.

PO Hui turned Mr. G [REDACTED] around and patted his pants pockets, waistband, chest area, and legs. PO S [REDACTED] patted Mr. R [REDACTED] clothes as well. PO Hui then placed his hands inside Mr. G [REDACTED] front pants pockets. Mr. G [REDACTED] said to PO Hui, "You can go in to my pockets. I do not care." PO Hui replied, "I do not have to ask for your permission." PO Hui removed Mr. G [REDACTED] cell phones and keys from the pockets, and placed them back inside. PO Hui ordered Mr. G [REDACTED] to walk to the rear of the vehicle. Mr. G [REDACTED] complied. Mr. R [REDACTED] and the other male also walked to the rear. PO Hui entered the front driver side of his vehicle and opened the center console. PO S [REDACTED] entered and checked the front passenger side.

Several minutes later, PO Hui returned and told Mr. G [REDACTED] that he found marijuana crumbs in the vehicle. Mr. G [REDACTED] told PO Hui that there was no marijuana in the vehicle. PO Hui asked Mr. G [REDACTED] and his friends to return to their vehicle. They complied.

Mr. R [REDACTED] was uncooperative with the investigation (BR 19).

Because Mr. G [REDACTED] could not provide any identifying information for the third occupant, the investigation was unable to identify him or establish contact.

At 04:16:26 minutes of PO Hui's BWC recording (BR 03), PO Hui is standing by the front driver side of Mr. G [REDACTED] vehicle. PO S [REDACTED] is standing by the front passenger side of Mr. G [REDACTED] vehicle. PO S [REDACTED] says to PO Hui, "221." At 04:16:20 minutes, PO Hui says to Mr. G [REDACTED] "You are dropping stuff over here." Mr. G [REDACTED] replies, "Can I pick up my card, please?" PO Hui tells Mr. G [REDACTED] that he can do so later. The video does not capture the alleged card. At 04:17:13 minutes, Mr. G [REDACTED] say to PO Hui, "There is nothing in this car. No guns, if that's what you are looking for." At 04:17:36 minutes, Mr. G [REDACTED] says to PO Hui, "I have no problem you check my car." PO Hui replies, "Okay," and asks Mr. G [REDACTED] to stop reaching around. At 04:17:59 minutes, PO Hui informs Mr. G [REDACTED] that he was stopped for multiple traffic infractions and that he is being recorded. At 04:18:39 minutes, PO S [REDACTED] says to Mr. R [REDACTED] "Maybe you should not be committing traffic infractions and smoke weed in the car." It is unclear what Mr. R [REDACTED] replies to PO S [REDACTED]. At 04:19:10 minutes, PO Hui asks Mr. G [REDACTED] to open the door. He complies and exits the vehicle. At 04:19:27 minutes, PO Hui asks Mr. G [REDACTED] "Any knives, blades, or razor on you?" Mr. G [REDACTED] says, "No." PO Hui asks Mr. G [REDACTED] to keep his hands up, as he searches him. At 04:19:47 minutes, Mr. G [REDACTED] says to PO Hui, "You can go in my pocket. You can do whatever you want." PO Hui replies, "I am going in your pocket. I know I can," and, "I am going in your pocket. I do not need your consent." At 14:20:19 minutes, PO Hui tells Mr. G [REDACTED] to move to the rear of the vehicle, and he complies. Between 04:22:17 and 04:24:54 minutes, PO Hui searches the front driver side, center console area, and side door panels of Mr. G [REDACTED] vehicle. PO Hui finds scales and places them on the vehicle's rooftop. PO Hui then moves to the rear passenger side and searches there. Between 04:24:27 and 04:25:02 minutes, PO Hui searches the rear passenger seat behind the driver. PO Hui point his flash light with his left hand on the seat and says, "There is weed right here." It is hard to see what PO Hui is pointing at, because the light from the flash light is very bright and blinds the camera view. PO Hui then asks the officers to get all the passengers back into the vehicle.

At 04:16:56 minutes of PO S [REDACTED] BWC (BR 04), PO S [REDACTED] is standing by the front passenger side of Mr. G [REDACTED] vehicle, and says to PO Hui, "Did you hear me? 221." At 04:17:35 minutes, Mr. R [REDACTED] asks PO S [REDACTED] to explain why they were pulled over. PO S [REDACTED] explains that they were stopped for a VTL infraction and also says, "Maybe you should not be doing traffic infractions and smoking weed in the car." Mr. R [REDACTED] tells PO S [REDACTED] that they did not smoke weed in the vehicle. PO S [REDACTED] replies, "So, you are saying that I got something wrong with my nose? I am not smelling what I am smelling?" Mr. R [REDACTED] replies, "No, I am saying that I did not smoke in the car." PO S [REDACTED] says, "But you smoked." Mr. R [REDACTED] says that they did not smoke weed in the car, but that they smoked some in the club. At 04:21:34 minutes, Mr. R [REDACTED] exits the car and PO S [REDACTED] frisks him. Between 04:22:16 and 04:24:57 minutes, PO S [REDACTED] enters and searches the front passenger side of Mr. G [REDACTED] vehicle, and looks under the seat, in the center console, the glove compartment, and inside the side door panel. PO S [REDACTED] then walks over and enters the rear passenger side seats and checks under the seats. While checking the rear passenger seats, PO S [REDACTED] says, "We got an ashtray with guts in it." The camera does not capture the ashtray he is referring to. PO S [REDACTED] then exits the vehicle. PO S [REDACTED] camera captures PO Hui checking the rear driver passenger seat. PO Hui points his

flash light on to the rear seat and appears to pick something up as he says, “There is weed right here.” PO S [REDACTED] BWC is too far from PO Hui to capture the alleged marijuana.

PO S [REDACTED] BWC recording (BR 05) depicts the same incident as discussed above, with the following additional information. At 04:20:35 minutes, PO S [REDACTED] asks Ms. G [REDACTED] unidentified friend to step out of the vehicle, and he complies. PO S [REDACTED] then searches the male. He retrieves a zip lock bag with unknown substance and says that the male has a knife. At 04:25:17 minutes, PO S [REDACTED] is speaking to Mr. G [REDACTED] Mr. R [REDACTED] and the male at the rear of the vehicle. Mr. G [REDACTED] says to the officers, “I just came out of that bar. They are smoking that shit. Spanish club right there,” and insists that it is not illegal to smoke marijuana. PO S [REDACTED] replies, “What you do not understand. You are admitting that you do smell like weed, right?” Mr. G [REDACTED] replies, “Right” and says that it is not illegal.

PO B [REDACTED] BWC (BR 06) captures the same incident as discussed in PO Hui’s BWC, with the following additional information. At 04:24:26 minutes, Mr. G [REDACTED] is sanding by the rear of the vehicle and tells PO B [REDACTED] that he was taken to the Precinct before for “the same reason,” because officers smelled weed. The rest of the recording captures the same above interaction between Mr. G [REDACTED] and PO S [REDACTED] as discussed above. At 04:25:30 minutes, Mr. G [REDACTED] returns to the vehicle. Between 04:25:50 and 04:28:38 minutes, PO B [REDACTED] opens and searches the trunk. He also opens and checks inside the backpack and several other bags that are in the trunk.

PO C [REDACTED] BWC recording (BR 07), depicts the same incident as discussed above, with the following additional information. At 04:24:38 minutes, Mr. G [REDACTED] is at the rear of the vehicle with Mr. R [REDACTED] and the male. Mr. G [REDACTED] tells the officers that they were in the club and that someone smoked marijuana there. PO C [REDACTED] replies, “So, they were smoking in there and it stuck on your clothes. Is that what you are saying?” Mr. G [REDACTED] replies, “Of course.” At 04:25:35 minutes, PO B [REDACTED] opens the trunk of Mr. G [REDACTED] vehicle and, along with PO C [REDACTED] searches it. They look inside the bags and under them, and move Mr. G [REDACTED] belongings from left to right. They conclude the search of the trunk at 04:28:33 minutes.

PO Hui (BR 08) provided a generally consistent testimony with the above discussed BWC recordings, with the following exceptions and additional information. PO Hui testified that when he approached the driver side window of Mr. G [REDACTED] vehicle, he smelled a strong odor of “freshly” smoked marijuana emanating from inside the vehicle. PO Hui did not remember if the vehicle’s driver side window was up or down upon his initial approach. PO Hui asked Mr. G [REDACTED] to place both of his hands on the wheel so he could see his hands. Mr. G [REDACTED] complied. When PO Hui leveled up with the driver side window, he asked Mr. G [REDACTED] to provide his driver’s license and registration. PO Hui observed Mr. G [REDACTED] and he did not believe that the latter was impaired or under the influence of drugs or marijuana. PO Hui did not recall if Mr. G [REDACTED] handed a PBA card along with his driver’s license and registration. PO Hui denied dropping the card or stepping on it during this incident.

Mr. G [REDACTED] provided his documents. PO Hui then looked at PO S [REDACTED] who was standing by the front passenger side. PO S [REDACTED] said to PO Hui, “221,” which stands for Penal Law §221 related to unlawful possession of marijuana. PO Hui believed that PO S [REDACTED] observed marijuana in the vehicle and alerted him by referring to the Penal Law section. PO Hui then asked Mr. G [REDACTED] to exit the vehicle, and he complied. PO Hui frisked Mr. G [REDACTED] pants pockets and his waist area. PO Hui also placed his hands in Mr. G [REDACTED] pants pockets and searched them. PO Hui did not remove anything from the pockets.

PO Hui frisked and searched Mr. G [REDACTED] as part of safety procedure, and because of the marijuana. Mr. R [REDACTED] and the other male were also removed from the vehicle, but PO Hui did not know if they were searched or frisked. PO Hui did not remember if he asked Mr. G [REDACTED] if he had any knives or sharp objects on him.

PO Hui then entered and searched the interior of Mr. G [REDACTED] vehicle, which is allowed under the marijuana related automobile exception. There was no other reason why PO Hui searched Mr. G [REDACTED] vehicle. PO Hui recovered loose marijuana crumbs on the rear passenger seat behind the front driver seat and a burnt marijuana cigarette in the ashtray in the center console. PO Hui also found scales in the front driver side door panel. PO Hui did not know if the scales contained marijuana residue, because he did not open them. PO Hui could not estimate the amount of loose marijuana crumbs, but said that there was not a lot, and that it appeared the crumbs fell off to the seat while they were rolling the cigarette. PO Hui determined that the crumbs and the cigarette were marijuana, based on his marijuana related training and prior experience, which involved over 30 marijuana related arrests and over 100 arrests involving marijuana. PO Hui did not remember the size of the marijuana cigarette and said that it was not large. PO S [REDACTED] assisted PO Hui with the search of the interior of the vehicle.

After the vehicle search, PO Hui returned to Mr. G [REDACTED] and told him what he had discovered. PO Hui did not remember what Mr. G [REDACTED] replied. PO Hui did not vouch for any discovered marijuana crumbs, the cigarette, or the scales, and left them at the scene, nor did he summons anyone for unlawful possession of marijuana. Instead, PO Hui used his discretion to warn and admonish Mr. G [REDACTED] and his friends.

PO Hui acknowledged that the officers also searched the trunk of Mr. G [REDACTED] vehicle, but did not remember who those officers were.

PO B [REDACTED] (BR 09) provided a generally consistent testimony with that of PO Hui and the above discussed BWC recordings, with the following additional information and exceptions. PO B [REDACTED] stated that he smelled a strong odor of marijuana while still sitting in the police vehicle. At that time, all the windows in PO B [REDACTED] vehicle were down. PO B [REDACTED] could not determine where the odor was coming from. PO B [REDACTED] exited the vehicle and followed PO Hui. As PO B [REDACTED] approached Mr. G [REDACTED] vehicle, the odor of marijuana became stronger, as if someone was still smoking it in the vehicle, or just had finished smoking. PO B [REDACTED] did not recall if the windows of Mr. G [REDACTED] vehicle were up or down.

While PO Hui interacted with Mr. G [REDACTED] PO B [REDACTED] saw through the rear driver side window some green dry leafy crumbs on the rear driver passenger seat. Based on his training and experience, consisting of marijuana related training and numerous marijuana related arrests, PO B [REDACTED] determined them to be marijuana crumbs. The crumbs appeared to be leftovers from someone rolling a marijuana cigarette. PO B [REDACTED] could not estimate how much marijuana crumbs he observed, but said that it was a “significant amount” enough for him to notice. PO B [REDACTED] did not communicate his observation of the marijuana crumbs to PO Hui or PO S [REDACTED].

PO Hui spoke to Mr. G [REDACTED] for several minutes. PO Hui then asked PO B [REDACTED] to request one additional unit to the location. PO B [REDACTED] made the call. Several minutes later, PO J [REDACTED], S [REDACTED] and PO R [REDACTED] C [REDACTED] arrived.

PO B [REDACTED] had a casual conversation with Mr. G [REDACTED], Mr. R [REDACTED] and the other passenger, who were at the rear of Mr. G [REDACTED] vehicle. PO B [REDACTED] did not believe that they were under the influence of marijuana. PO B [REDACTED] did not remember all the details of their interaction. At some point, Mr. G [REDACTED] or Mr. R [REDACTED] told PO B [REDACTED] that they

were at a party where people were smoking marijuana, and that marijuana's smoke got on to their clothes. PO B [REDACTED] smelled the odor of marijuana coming from the males' clothes as well.

After PO Hui finished searching Mr. G [REDACTED] vehicle, the males were asked to return inside. They complied. The trunk popped open, but PO B [REDACTED] did not know who unlocked the trunk, and he did not hear any officer instruct Mr. G [REDACTED] to open it. PO B [REDACTED] then searched the trunk, because, "[there] was marijuana residue inside the vehicle," and, "[based] on my training, any time there is contraband in the vehicle, such as marijuana, for the vehicle purposes, I am allowed to search that vehicle bumper to bumper, looking for more contraband." There was no other reason for which PO B [REDACTED] searched the trunk. PO B [REDACTED] did not remember if he opened any bags that were in the trunk. He did not recover additional marijuana.

PO B [REDACTED] did not see Mr. G [REDACTED] hand a PBA card to PO Hui. PO B [REDACTED] did not see PO Hui drop or step on a card during this incident. PO B [REDACTED] did not remember if PO Hui recovered additional marijuana from the vehicle.

PO C [REDACTED] (BR 10) acknowledged that he and his partners were requested to assist with this car stop. PO C [REDACTED] saw PO Hui and PO S [REDACTED] remove the occupants from the vehicle upon arriving at the scene. PO C [REDACTED] reached the rear of Mr. G [REDACTED] vehicle, and smelled a strong odor of burnt marijuana emanating from inside the vehicle. PO C [REDACTED] also smelled the odor of marijuana emanating from the occupants' clothes when they approached him.

PO C [REDACTED] spoke to Mr. G [REDACTED] and the other passengers. They stated that they were at a party, where they and other individuals smoked marijuana. PO C [REDACTED] did not believe Mr. G [REDACTED] or his friends were under the influence of marijuana or any other drugs. At some point, PO C [REDACTED] heard PO Hui say "221," which is a code word they use upon discovering marijuana in a vehicle. PO C [REDACTED] looked over and saw PO Hui somewhere inside of Mr. G [REDACTED] vehicle. He could not see what PO Hui was doing inside, because his view was obstructed by the occupants who were standing in front of him. At some point, PO C [REDACTED] heard PO Hui say that he found marijuana crumbs in the vehicle. PO Hui did not retrieve the alleged marijuana, and PO C [REDACTED] did not check himself.

After the occupants returned inside the vehicle, the trunk was opened. PO C [REDACTED] did not remember who opened the trunk, or if Mr. G [REDACTED] was instructed to open it. PO C [REDACTED] acknowledged assisting PO B [REDACTED] with the search of the trunk. PO C [REDACTED] searched the trunk because, "[by] law, you can search the vehicle from bumper to bumper, when there is an odor of marijuana or residue in the vehicle." There was no other reason for which he searched the trunk. PO C [REDACTED] did not remember exactly how he searched the trunk, but said that he moved some items around, and lifted and checked under them. PO C [REDACTED] did not remember if he opened any bags that were in the trunk.

In People v. Cuffie, 109 A.D. 3d 1200 (2013) (BR 11) noted that "[it] is well established that 'the odor of marihuana emanating from a vehicle, when detected by an officer qualified by training and experience to recognize it, is sufficient to constitute probable cause' to search a vehicle and its occupants. *see People v Chestnut*, 43 A.D. 2d 260 (1974) (BR 12)

Due to the conflicting statements, and absence of any independent witness testimony, additional video, or documentary evidence, the investigation was unable to determine by a preponderance of the evidence if PO Hui acted discourteously towards Mr. G [REDACTED]. It is therefore recommended that **Allegation A** be closed as **Unsubstantiated**.

Mr. G [REDACTED] denied smoking marijuana in the vehicle, denied that there was an odor of marijuana within his vehicle or on his or his friends' clothes, and denied that there were marijuana crumbs or a burnt marijuana cigarette in his vehicle. However, the video evidence

shows the occupants of his vehicle acknowledging that they smoked marijuana previously and that they were with people who were smoking marijuana. The investigation therefore credits the officers' testimonies that an odor of marijuana emanated from Mr. G [REDACTED] vehicle and determined that PO Hui, PO S [REDACTED] and PO S [REDACTED] had probable cause to question, frisk, and search Mr. G [REDACTED] Mr. R [REDACTED] and the unidentified occupant, and to search Mr. G [REDACTED] vehicle. It is therefore recommended that **Allegations B through H** be **Exonerated**.

Following the search of the interior of Mr. G [REDACTED] vehicle, PO Hui testified that he found marijuana crumbs and a burnt marijuana cigarette, which is supported by video evidence. The investigation therefore determined that PO B [REDACTED] and PO C [REDACTED] were justified in searching the trunk of Mr. G [REDACTED] vehicle. Thus, it is recommended that **Allegations I and J** be **Exonerated**.

Allegation (K) Abuse of Authority: Police Officer Samuel Hui refused to provide his name to L [REDACTED] G [REDACTED]

Allegation (L) Abuse of Authority: Police Officer Samuel Hui refused to provide his shield number to L [REDACTED] G [REDACTED]

Allegation (M) Abuse of Authority: Police Officer Samuel Hui failed to provide L [REDACTED] G [REDACTED] with a business card.

Allegation (N) Abuse of Authority: Police Officer Samuel Hui interfered with L [REDACTED] G [REDACTED] use of a recording device.

Mr. G [REDACTED] (BR 01) stated that after the officers searched his vehicle, PO Hui returned, and asked him and his friends to get back into the vehicle. They complied. Almost immediately, Mr. G [REDACTED] called his girlfriend and told her what happened. PO Hui approached the vehicle and asked Mr. G [REDACTED] to finish his conversation. Mr. G [REDACTED] disengaged the call and asked PO Hui for his name and shield number. PO Hui replied, "L.N." Mr. G [REDACTED] then pulled out his cell phone and began to record PO Hui. Mr. G [REDACTED] told PO Hui that he needed his full name and then asked PO Hui for his business card. PO Hui ignored Mr. G [REDACTED] and put his hand over Mr. G [REDACTED] phone so that he could not record. Mr. G [REDACTED] did not stop recording, but put his phone down on the dashboard. Several minutes later, PO Hui handed Mr. G [REDACTED] a summons for failure to signal, and the officers left.

Mr. G [REDACTED] provided the investigation with a copy of the summons that was issued to him by PO Hui (BR 02), which lists the following handwritten information on the right-hand corner "PO Hui, 28856."

Between 04:25:02 and 04:25:36 minutes of PO Hui's BWC recording (BR 03), PO Hui concludes the search of Mr. G [REDACTED] vehicle and the occupants return inside. At the 04:26:02 minute mark, Mr. G [REDACTED] offers PO Hui to FaceTime his girlfriend, Ms. B [REDACTED] PO Hui replies to Mr. G [REDACTED] "I do not care, but I would just stay off the phone if I were you," without making any contact with the phone. Mr. G [REDACTED] then puts the phone on the dashboard. At the 04:28:00 minute mark, Mr. G [REDACTED] asks PO Hui for his name. PO Hui replies, "Officer Hui, H-U-I." He repeats his name several times. Mr. G [REDACTED] then asks for PO Hui's shield number. PO Hui takes his badge, points it in the direction of Mr. G [REDACTED] and says, "28856." Mr. G [REDACTED] points his phone in PO Hui's direction. It is unclear if he records PO Hui when the latter provides his information. At 04:31:24 minutes, PO Hui returns to his vehicle and writes the summons. At 04:35:37 minutes, PO Hui returns to Mr. G [REDACTED] and hands him the summons. Mr. G [REDACTED] asks for PO Hui for his business card and information. PO Hui tells Mr.

G [REDACTED] that he ran out of cards, but agrees to write down his information on the back of the summons, which he then does.

PO Hui (BR 08) provided a generally consistent testimony with his BWC recording, with the following additional information and exceptions. PO Hui stated that after Mr. G [REDACTED] and his friends returned to their vehicle, he went back to his car and issued Mr. G [REDACTED] a summons for failure to signal. He then returned and handed the summons to Mr. G [REDACTED]. Approximately at that time, Mr. G [REDACTED] pulled out his cell phone and told PO Hui that he wanted to FaceTime his girlfriend. PO Hui told Mr. G [REDACTED] that it was not a good idea, but denied placing his hand over Mr. G [REDACTED] phone covering the camera, or interfering with Mr. G [REDACTED] recording the incident. Mr. G [REDACTED] then asked PO Hui for his name and shield number, which PO Hui provided to him verbally several times, and allowed Mr. G [REDACTED] to take a photograph of his shield. PO Hui acknowledged that Mr. G [REDACTED] asked him for the business card. PO Hui could not provide his card to Mr. G [REDACTED] because he did not have any at the time of the incident. PO Hui explained that his Command ran out of the cards and did not provide him any. To fix the issue, PO Hui wrote down his information on the back of Mr. G [REDACTED] summons.

According to New York City Administrative Code Law 14-174 (c), officers shall offer a business card to any person requesting identifying information, or provide such information verbally to such person and allow such person sufficient time to record such information when business card is unavailable (BR 21).

Based on the video evidence and PO Hui's testimony, the investigation determined that PO Hui provided his information to Mr. G [REDACTED] several times and that he did not interfere with G [REDACTED] recording of the incident. It is therefore recommended that **Allegations K, L, and N** be closed as **Unfounded**.

It is undisputed that Mr. G [REDACTED] asked PO Hui for his business card and that PO Hui did not provide it to him. PO Hui explained and the video evidence corroborates that he could not provide his business card because he had run out of them and his Command had not replenished the supply. To resolve the issue, PO Hui wrote down his information on the summons he issued to Mr. G [REDACTED]. It is therefore recommended that **Allegation M** be **Exonerated**.

Allegation O: Other Misconduct- Police Officer Samuel Hui had no business card as required by Patrol Guide procedure 204-09.

As noted above, PO Hui stated that he did not provide his business card to Mr. G [REDACTED] because he had run out of them and his Command had not replenished the supply.

According to New York City Administrative Code Law 14-174(d), officers must have an adequate number of business cards prior to engaging in any law enforcement activity (BR 21).

Given the above law, it is recommended that PO Hui be cited for **Other Misconduct**.

Civilian and Officer CCRB Histories

- [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]

- PO Samuel Hui has been a member-of-service for six years and has been named a subject in nine CCRB complaints and 34 allegations, of which three were substantiated:
 - 201610413 involved substantiated allegations of abuse of authority (vehicle search and frisk of a person) and discourtesy (action). The Board recommended Charges, and the NYPD imposed Formalized Training as penalty.
 - 201904815 involves allegations of abuse of authority (vehicle stop, vehicle search, frisk and question). The case is pending investigation.
 - PO Hui's CCRB history does not reflect any patterns pertinent to this investigation.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Mediation, Civil and Criminal Histories

- This case is not suitable for mediation.
- As of August 9, 2019, the New York City Office of the Comptroller has not record of a Notice of Claim filed in regards to this complaint (BR 22).
- [REDACTED]
- [REDACTED]

Squad No.: 4

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date